

Application No. 10/815,142

REMARKS/ARGUMENTS

The fee for this petition is to be charged to Xerox Corporation Deposit Account No. 24-0025. No additional fee is believed to be required for this amendment. However, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

In the first office action the examiner alleged that the initial amendment filed 12 April 2006 was "not fully responsive" and set a shortened one month response period.

This petition is based on the fact that the examiner admits that the originally filed claims 1-4 [not written by the undersigned] were specifically stated to be *method* claims (all reciting "A pneumatic sheet separating and feeding method." yet when the undersigned simply substituted amended method claims 5 and 6, simply to meet the examiners initial objection that the original method claims had only structure and no steps and were thus ambiguous, and to better distinguish over previously cited references, these amended claims 5 and 6 were refused entry, apparently as not being *apparatus* claims! Furthermore, the office action allegations that none of the original claims had method limitations or any sheet deformation sensing is not correct. Original claim 3 specifically calls for "sheet deformation sensing" in line 2. Claim 1 lines 5 and 6 specifically call for "different deformation corrugation shapes of the top sheet are pneumatically formed" which is also method step. Original dependent claim 4 is also clearly a method step. As the Office is aware, there is no requirement to use the word "step" in a method claim, and there are even serious legal consequences under 35 USC 112, last paragraph, in using "step" - function limitations in a method claim. Accordingly the undersigned respectfully petitions for the entry of these claims 5 and 6 and the removal of the non-responsiveness rejection.

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Furthermore, it is respectfully noted that the excessive restriction requirements by prior examiners in the parent application which have resulted in several subject divisionals, including this one, are not the applicants fault and applicants are entitled to the protection of 35 USC 121.

Corresponding claims 7 and 8, which are expressly apparatus claims, have been added by this substitute amendment, since that is apparently what the examiner wanted.

A telephone interview is respectfully requested at the number listed below prior to any further Office Action, i.e., if the Examiner has any remaining questions or issues to address after this paper. The undersigned will be happy to discuss any Examiner-proposed amendments as may be appropriate.

Respectfully submitted,



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PFM/gmm